

has been inadequate to justify continuation of such waiver.

(6) DURATION OF FEDERAL WAIVERS.—

(A) IN GENERAL.—The Secretary shall not approve the application of a State educational agency under paragraph (3) for a period exceeding 5 years, except that the Secretary may extend such period if the Secretary determines that such agency's authority to grant waivers has been effective in enabling such State or affected local educational agencies or schools to carry out their local reform plans and to continue to meet the accountability requirement described in subsection (a)(2)(B).

(B) PERFORMANCE REVIEW.—The Secretary shall periodically review the performance of any State educational agency granting waivers of Federal statutory or regulatory requirements as described in paragraph (1)(A) and shall terminate such agency's authority to grant such waivers if the Secretary determines, after notice and opportunity for hearing, that such agency's performance has been inadequate to justify continuation of such authority.

(7) AUTHORITY TO ISSUE WAIVERS.—Notwithstanding any other provision of law, the Secretary is authorized to carry out the education flexibility program under this subsection for each of the fiscal years 2000 through 2004.

(8) PUBLIC NOTICE AND COMMENT.—Each State educational agency granted waiver authority under this section and each local educational agency receiving a waiver under this section shall provide the public adequate and efficient notice of the proposed waiver authority or waiver, consisting of a description of the agency's application for the proposed waiver authority or waiver in a widely read or distributed medium, and shall provide the opportunity for all interested members of the community to comment regarding the proposed waiver authority or waiver.

(b) INCLUDED PROGRAMS.—The statutory or regulatory requirements referred to in subsection (a)(1)(A) are any such requirements under the following programs or Acts:

(1) Title I of the Elementary and Secondary Education Act of 1965 (other than subsections (a) and (c) of section 1116 of such Act).

(2) Part B of title II of the Elementary and Secondary Education Act of 1965.

(3) Subpart 2 of part A of title III of the Elementary and Secondary Education Act of 1965 (other than section 3136 of such Act).

(4) Title IV of the Elementary and Secondary Education Act of 1965.

(5) Title VI of the Elementary and Secondary Education Act of 1965.

(6) Part C of title VII of the Elementary and Secondary Education Act of 1965.

(7) The Carl D. Perkins Vocational and Technical Education Act of 1998.

(c) WAIVERS NOT AUTHORIZED.—The Secretary and the State educational agency may not waive any statutory or regulatory requirement of the programs or Acts authorized to be waived under subsection (a)(1)(A)—

(1) relating to—

(A) maintenance of effort;

(B) comparability of services;

(C) the equitable participation of students and professional staff in private schools;

(D) parental participation and involvement;

(E) the distribution of funds to States or to local educational agencies;

(F) use of Federal funds to supplement, not supplant, non-Federal funds; and

(G) applicable civil rights requirements; and

(2) unless the underlying purposes of the statutory requirements of each program or Act for which a waiver is granted continue to be met to the satisfaction of the Secretary.

(d) CONTINUING ELIGIBILITY.—

(1) IN GENERAL.—Each State educational agency that is granted waiver authority under the provisions of law described in paragraph (2) shall be eligible to continue the waiver authority under the terms and conditions of the provisions of law as the provisions of law are in effect on the date of enactment of this Act.

(2) PROVISIONS OF LAW.—The provisions of law referred to in paragraph (1) are as follows:

(A) Section 311(e) of the Goals 2000: Educate America Act.

(B) The proviso referring to such section 311(e) under the heading "EDUCATION REFORM" in the Department of Education Appropriations Act, 1996 (Public Law 104-134; 110 Stat. 1321-229).

(e) ACCOUNTABILITY.—In deciding whether to extend a request for a State educational agency's authority to issue waivers under this section, the Secretary shall review the progress of the State education agency, local educational agency, or school affected by such waiver or authority to determine if such agency or school has made progress toward achieving the desired results described in the application submitted pursuant to subsection (a)(4)(A)(ii).

(f) PUBLICATION.—A notice of the Secretary's decision to authorize State educational agencies to issue waivers under this section, including a description of the rationale the Secretary used to approve applications under subsection (a)(3)(B), shall be published in the Federal Register and the Secretary shall provide for the dissemination of such notice to State educational agencies, interested parties, including educators, parents, students, advocacy and civil rights organizations, other interested parties, and the public.

SEC. 5. PROGRESS REPORTS.

The Secretary, not later than 1 year after the date of enactment of this Act and biennially thereafter, shall submit to Congress a report that describes—

(1) the Federal statutory and regulatory requirements for which waiver authority is granted to State educational agencies under this Act;

(2) the State statutory and regulatory requirements that are waived by State educational agencies under this Act;

(3) the effect of the waivers upon implementation of State and local educational reforms; and

(4) the performance of students affected by the waivers.

WELLSTONE (AND KENNEDY)
AMENDMENT NO. 32

Mr. WELLSTONE (for himself and Mr. KENNEDY) proposed an amendment to amendment No. 31 proposed by Mr. JEFFORDS to the bill, S. 280, supra; as follows:

On page 8, line 4, after "determines" insert "that the State educational agency is carrying out satisfactorily all of the State educational agency's statutory obligations under title I of the Elementary and Secondary Education Act of 1965 to secure comprehensive school reform and"

On page 12, line 22, after "hearing," insert "that such agency is not carrying out satis-

factorily all of the agency's statutory obligations under title I of the Elementary and Secondary Education Act of 1965 to secure comprehensive school reform or"

On page 15, between lines 2 and 3, insert the following:

(F) standards, assessments, components of schoolwide or targeted assistance programs, accountability, or corrective action, under title I of the elementary and Secondary Education Act of 1965, as the requirement relates to local educational agencies and schools;

WELLSTONE AMENDMENT NO. 33

Mr. WELLSTONE proposed an amendment to amendment No. 31 proposed by Mr. JEFFORDS to the bill, S. 280, supra; as follows:

On page 15, between lines 2 and 3, insert the following:

(F) serving eligible school attendance areas in rank order under section 1113(a)(3) of the Elementary and Secondary Education Act of 1965;

KENNEDY (AND OTHER)
AMENDMENT NO. 34

Mr. KENNEDY (for himself, Mr. REED, Mr. DODD, and Mr. WELLSTONE) proposed an amendment to amendment No. 31 proposed by Mr. JEFFORDS to the bill, S. 280, supra; as follows:

On page 7, line 21, strike "and" after the semicolon.

On page 7, line 24, strike the period and insert "and".

On page 7, line 24, insert the following:

(v) a description of how the State educational agency will evaluate, (consistent with the requirements of title I of the Elementary and Secondary Education Act of 1965), the performance of students in the schools and local educational agencies affected by the waivers.

On page 9, line 22, strike "which may include progress toward" increased school and student performance.

On page 11, line 17, insert "in accordance with the evaluation requirement described in paragraph (3)(A)(v)," before "and shall".

On page 12, line 14, before the period insert "and has improved student performance".

On page 16, line 9, insert "and goals" after "desired results".

On page 16, lines 10 and 11, strike "subsection (a)(4)(A)(ii)" and insert "clauses (ii) and (iii) of subsection (a)(4)(A), respectively".

NOTICES OF HEARINGS

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. THOMPSON. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, March 4, 1999, at 10 a.m. for a business meeting to consider legislation to reform the congressional budget process.

SUBCOMMITTEE ON INVESTIGATIONS

Ms. COLLINS. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold hearings entitled "Deceptive Mailings and Sweepstakes Promotions." These hearings

are the first of an anticipated series of hearings the subcommittee plans to hold regarding deceptive mailings. The focus of these first hearings will be an examination of the use of sweepstakes by mass marketers and how these mailings impact consumers.

The hearings will take place on Monday, March 8th and Tuesday, March 9th, at 9:30 a.m. each day, in room 342 of the Dirksen Senate Office Building. For further information, please contact Timothy J. Shea of the subcommittee staff at 224-3721.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, March 3, 1999, at 2 p.m., in open session, to receive testimony on 21st century seapower vision overview and maritime implications of 21st century threats.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet on Wednesday, March 3, 1999, at 10 a.m. on pending committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday March 3 for purposes of conducting a joint oversight hearing with the Senate Committee on Indian Affairs which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is receive testimony on the American Indian Trust management practices in the Department of the Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. FRIST. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, March 3, 1999 beginning at 10 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENT AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, March 3, 1999, at 10 a.m. for a hearing on the Independent Counsel Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Aging be authorized to meet for a hearing on "Older American Act: Oversight and Overview" during the session of the Senate on Wednesday, March 3, 1999, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, March 3, 1999 at 9:30 a.m. to mark up the Committee's Budget Views and Estimates letter to the Budget Committee regarding the FY 2000 Budget Request for Indian programs. (The Joint Hearing with the Senate Committee on Energy and Natural Resources on American Indian Trust Management Practices in the Department of the Interior will immediately follow the markup). The Meeting/Joint Hearing will be held in room 106 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, March 3, 1999 at 9:30 a.m. to conduct a Joint Hearing with the Senate Committee on Energy and Natural Resources on American Indian Trust Management Practices in the Department of the Interior. The hearing will be held in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND FORCES

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on Airland Forces of the Committee on Armed Services be authorized to meet on Wednesday, March 3, 1999 at 1:30 p.m. in open session, to receive testimony on Army modernization.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FISHERIES, WILDLIFE, AND DRINKING WATER

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on Fisheries, Wildlife, and Drinking Water be granted permission to conduct an oversight hearing on the Environmental Protection Agency's implementation of the 1996 amendments to the Safe Drinking Water Act Wednesday, March 3, 9 a.m., hearing room (SD-406).

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, March 3, for purposes of conducting a Water & Power Subcommittee hearing which is scheduled to begin at 2 p.m. The purpose of this oversight hearing is to consider the President's proposed budget for FY2000 for the Bureau of Reclamation and the Power Marketing Administrations.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

RABBI ALVIN WAINHAUS

• Mr. LIEBERMAN. Mr. President, I rise today to honor Rabbi Alvin Wainhaus of Congregation Or Shalom in Orange, Connecticut. On March 19th and 20th, he will be honored by Congregation Or Shalom on his 18th anniversary as spiritual leader of the synagogue.

This is a significant milestone for Rabbi Wainhaus and his congregation. Through his leadership at Congregation Or Shalom he has constantly worked to reach out to every member of the congregation, young and old, and keep them involved in all aspects of congregation life. He has particularly reached out to young adults as they have left home for college and careers in order to keep them connected to their families and community.

He has helped provide guidance and insight to innumerable people not just at Congregation Or Shalom but within the community as a whole. We currently face difficult times, and it is our families and friends, combined with our churches and synagogues, that provide the support systems which allow us to confront and overcome the challenges set before us. Through his service, Rabbi Wainhaus has helped many families over the years surmount these obstacles and make positive contributions to their communities.

As this congregation has grown over the years, with God's divine assistance, Rabbi Wainhaus has touched many lives throughout the community. The people of Connecticut thank Rabbi Wainhaus for his service, dedication, and contribution to our state.●

TAX TREATMENT FOR DOMESTIC DISTILLERIES

• Mr. BUNNING. Mr. President, today I signed on as a cosponsor of S. 434, Senator BREAUX's proposal to equalize the tax treatment for domestic distilleries compared to their foreign competitors.

This is a good bill, and I hope it passes Congress. It would help cut unnecessary taxes for our domestic distilleries, and eliminate a competitive